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OFFICE OF PETITIONS

In re Application of
Helms et al
Application No. 09/932,148
Filed: August 17, 2001
Patent No. 6,947,612

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: DECISION REGARDING PTA
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This decision is in response to Applicants' "LETTER REGARDING PATENT TERM ADJUSTMENT" filed on Nov. 1, 2005 asserting that applicants believe that they received too much PTA at the time of issuance.

The Office thanks applicants for their good faith and candor in bring this letter to the attention of the Office.

Applicants letter is **GRANTED**. The Office will adjust the amount of PTA from a determination of five hundred and twelve (512) days to a determination of four hundred and thirty-three (433) days. Applicants are given thirty days to respond to this decision if applicants disagree with such decision. No extensions of time will be granted pursuant to 37 CFR 1.136.

Applicants believe that they received too much PTA because the Office improperly entered the date of submission of the drawings as August 12, 2005 rather than the correct date of May 25, 2005.

The Office agrees that too much PTA was awarded at the time of the issuance of the patent. The determinations of six hundred and twenty-four (624) days under 37 CFR 1.702(a)(1) is accurate. In addition the seventeen day adjustment under 37 CFR 1.702(a)(2) is accurate. Furthermore, the eighty-nine day reduction under 37 CFR 1.704 (b) is accurate. However, the forty day reduction under 37 CFR 1.704(c)(10) is inaccurate. A review of the file history reflects that the drawing reduction under 37 CFR 1.704(c)(10) should not have been forty (40) days. The correct amount of reduction under 37 CFR 1.704(c)(10) is 119 days.¹ Accordingly, the correct amount of PTA for the issued patent is 433 (624 + 17 - 89 - 119 = 433) days.

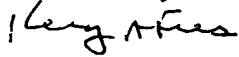
After the mailing of the Office action, the file will be forwarded to the Office of Patent Publications for a prompt issuance of the application.

Because applicants have submitted this letter in response to good faith and candor, the Office

¹The reduction began on May 25, 2005 and ended on September 20, 2005, a 119-day reduction.

will not assess any fees concerning this decision concerning Patent Term Adjustment.

Any questions concerning this determination should be directed to Kery Fries, Senior Legal Advisor, Office of Patent Legal Administration, Office of Deputy Commissioner for Patent Examination Policy at 571-272-7757.



Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

cc: Adjusted PAIR calculation
DRAFT cert. Of correction.